

REMARKS

The Official Action mailed January 4, 2008, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on August 28, 2003; December 3, 2004; October 17, 2005; December 9, 2005; April 24, 2006; October 31, 2006; and October 22, 2007.

Claims 3, 5, 8, 13, 18, 23, 28, 33, 36-43, 45, 47-57, 74-80 and 82-87 are pending in the present application, of which claims 3, 36, 37, 74 and 82 are independent. Claims 3, 28, 36, 37, 45, 74, 79 and 82 have been amended to better recite the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action rejects claims 82-84 as anticipated by U.S. Publication No. 2007/0087492 to Yamanaka. The Applicant respectfully submits that an anticipation rejection cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The Applicant respectfully submits that an anticipation rejection cannot be maintained against the independent claims of the present application, as amended. Independent claim 82 has been amended to recite that a semiconductor layer is covered by a conductive layer when the semiconductor layer is selectively heated, which is supported in the present specification, for example, by page 24, line 8, to page 25, line 15 of the present specification, which corresponds with paragraphs [0082]-[0083] of the pre-grant publication of the present application, i.e. U.S. Publication No.

2004/0077134. The Applicant respectfully submits that Yamanaka does not teach the above-referenced features of the present invention, either explicitly or inherently.

Since Yamanaka does not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are in order and respectfully requested.

The Official Action rejects independent claims 3 and 74 and dependent claims 5, 8, 13, 28, 33, 76, 77, 79 and 80 as obvious based on the combination of U.S. Publication No. 2002/0056839 to Joo and U.S. Publication No. 2001/0049163 to Yamazaki. The Official Action rejects dependent claims 18, 23, 75 and 78 as obvious based on the combination of Joo, Yamazaki '163 and U.S. Publication No. 2002/0000551 to Yamazaki. The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See

also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. Independent claim 3 has been amended to recite etching a conductive layer after selective heating of first and second semiconductor layers to form at least first and second gate electrodes. It is noted that these features correspond with the features of claim 4, and the Examiner previously indicated that such features are allowable (page 6, "Allowable Subject Matter," Paper No. 20070714). In the previous amendment to claim 3, many of the features of claim 4 were incorporated into claim 3; however, the feature relating to the order of steps, *i.e.* "after selective heating," was previously omitted. By the present amendment, claim 3 has been amended to fully incorporate the features of previously allowed dependent claim 4.

Similarly, independent claim 74 has been amended to recite etching a conductive layer after selective heating of a semiconductor layer to form a gate electrode over the semiconductor layer. It is noted that these features correspond with the features of claim 81, and the Examiner previously indicated that such features are allowable (*Id.*). In the previous amendment to claim 74, many of the features of claim 81 were incorporated into claim 74; however, the feature relating to the order of steps, *i.e.* "after selective heating," was previously omitted. By the present amendment, claim 74 has been amended to fully incorporate the features of previously allowed dependent claim 81.

The Applicant respectfully submits that Joo, Yamazaki '163 and Yamazaki '551, either alone or in combination, do not teach or suggest the above-referenced features of the present invention.

Since Joo, Yamazaki '163 and Yamazaki '551 do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly,

reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

The Official Action rejects independent claims 36 and 37 and dependent claims 38-41, 45, 47-53 and 85-87 as obvious based on the combination of Yamanaka and Yamazaki '163. The Official Action rejects claims 42, 43 and 54-57 as obvious based on the combination of Yamanaka and Yamazaki '163.

Independent claims 36 and 37 have been amended in a manner that is similar to the above-referenced amendment to claim 82. Specifically, claim 36 has been amended to recite non-transparent layers each covering a first semiconductor layer or a second semiconductor layer, where the first semiconductor layer and the second semiconductor layer are covered by the non-transparent layers when a region (where each of the non-transparent layers having the high absorptance with respect to the incoherent electromagnetic wave is formed) is locally heated. Claim 37 has been amended to recite that a semiconductor layer is covered by a non-transparent layer when a region (where the non-transparent layer having the high absorptance with respect to the incoherent electromagnetic wave is formed) is selectively heated.

Please incorporate the arguments above with respect to the deficiencies in Yamanaka. Yamazaki '163 does not cure the deficiencies in Yamanaka. The Official Action relies on Yamazaki '163 to allegedly teach "a method of forming a conductive film by using metal or metal nitride, or metal silicide" (page 10, Paper No. 20080102). However, Yamanaka and Yamazaki '163, either alone or in combination, do not teach or suggest the following features or that Yamanaka should be modified to include any of the following features: that a semiconductor layer is covered by a non-transparent layer when a region (where the non-transparent layer having the high absorptance with respect to the incoherent electromagnetic wave is formed) is selectively heated. Since Yamanaka and Yamazaki '163 do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and

withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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